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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Abuin <i>et al.</i>	Group Art Unit:	1632
Application No.:	10/060,066	Examiner:	L. Chen
Filed:	January 29, 2002		
Title:	Novel Mutated Mammalian Cells and Animals	Attorney Docket No.:	LEX-0304-USA

**AMENDMENT AND RESPONSE TO RESTRICTION AND ELECTION  
REQUIREMENTS**

Commissioner for Patents  
Arlington, VA 22202

**RECEIVED**

**JAN 16 2003**

Sir:

**TECH CENTER 1600/2900**

The Examiner is respectfully requested to enter the following amendments. A response to the Restriction and Election Requirement mailed November 5, 2002 ("the Requirement" Paper No. 5) is also included herewith and the Examiner is respectfully requested to consider the remarks therein.

A Petition for an Extension of Time of one month to and including January 5, 2003, which falls on a Sunday, and is therefore extended until January 6, 2002 under 37 C.F.R. § 1.7, and authorization to deduct the fee as required under 37 C.F.R. § 1.17(a)(3) from Applicant's Deposit Account are included. Applicants believe no fee in addition to the fee for the extension of time is due in connection with this response. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0892.

**AMENDMENT**

In the claims:

Please cancel claim 8, entirely without prejudice and without disclaimer, as drawn to non-elected inventions.

Please amend claims 1 and 7 so that the text of the amended claims reads as follows:

Claim 1 (amended). A genetically engineered mammalian cell that has been mutated by a process comprising the insertion of a recombinantly manipulated polynucleotide sequence into a gene in said genetically engineered mammalian cell wherein said gene is identifiable as corresponding to

SEQ ID NO:2.



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Claim 7 (amended). An isolated murine embryonic stem cell line comprising an engineered retroviral gene trap vector in at least one gene comprising a polynucleotide sequence identifiable as corresponding to SEQ ID NO:2.

## **RESPONSE**

### **I. Restriction Requirement**

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I: 1-248. Claims 1-7, drawn to a genetically engineered mammalian cell containing an manipulated polynucleotide sequence inserted into a gene of the cell, where the gene is selected from SEQ ID Nos. 1-248, classified in 435, subclass 325+.
- Group II: 249-496. Claim 8, drawn to a method for generating antibodies against a human protein using genetically engineered mouse having genetically engineered mutation in a murine gene identifiable as corresponding to any one of SEQ ID Nos. 1-248, classified in class 800, subclass 6.

### **II. Response to Restriction Requirement**

In response to the Restriction Requirement mailed November 5, 2002 (Paper No. 5), Applicants hereby elect without traverse to prosecute the claim of Group I (Claims 1-7), drawn to a genetically engineered mammalian cells. Accordingly, Claim 8 is cancelled without disclaimer and without prejudice as drawn to non-elected inventions. Applicants reserve the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

### **III. Status of the Claims**

Claims 1-7, representing the Group I, have not been cancelled.

Claim 8, has been cancelled without prejudice or disclaimer as drawn to non-elected inventions.

Claims 1-7 are thus presently pending in the case. In compliance with 37 C.F.R. § 1.121(c)(1)(ii), a marked up copy of the original claims is attached hereto as Exhibit A. For the convenience of the Examiner, a clean copy of the pending claims is attached hereto as Exhibit B. In keeping with established patent office sequence searching practice, Claims 1 and 7



have been amended to cover cell lines comprising a mutation in the genetic locus encoding SEQ ID NO:2. The amendments are not deemed to constitute new matter.

V. **Conclusion**

The present document is a complete response to the Restriction and Species Election Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should Examiner Chen have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

January 6, 2002

Date

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